

281—41.1004(17A,256B) Participants in the hearing.

41.1004(1) *Conducting hearing.* The administrative law judge shall conduct the hearing.

a. Any person serving or designated to serve as an administrative law judge is subject to disqualification for bias, prejudice, interest, or any other cause for which a judge is or may be disqualified.

b. Any party may timely request the disqualification of an administrative law judge after receipt of notice indicating that the person will preside or upon discovering facts establishing grounds for disqualification whichever is later.

c. A person whose disqualification is requested shall determine whether to grant the request, stating facts and reasons for the determination.

d. If another administrative law judge is required because the appointed administrative law judge is disqualified or becomes unavailable for any other reason, the director of education shall appoint a substitute administrative law judge from the list of other qualified administrative law judges.

41.1004(2) *Counsel.* Any party to a hearing has a right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of individuals with disabilities.

41.1004(3) *Opportunity to be heard—appellant.* The appellant or representative shall have the opportunity to be heard.

41.1004(4) *Opportunity to be heard—appellee.* The appellee or representative shall have the opportunity to be heard.

41.1004(5) *Opportunity to be heard—director.* The director or designee shall have the opportunity to be heard.

41.1004(6) *Opportunity to be heard—third party.* A person or representative who was neither the appellant nor appellee, but was a party in the original proceeding, may be heard at the discretion of the administrative law judge.